

From: Rolwing, Robert
Sent: Wednesday, September 17, 2008 3:56 PM
To: Ritz, Mike; Bunker, Wyatt; Bunker, Wyatt
Cc: Copeland, Rick - City of Memphis; 'Mary.Baker@memphistn.gov'; 'chip.saliba@memphistn.gov'; Kuhn, Brian; Kinard, Christy
Subject: Wal Mart Procedure, REVISED

Commissioner Ritz:

After fielding questions at the committee meeting this morning and speaking further with Brian Kuhn, here is a revised version of yesterday's e-mail (major revisions are in red):

The Commission has three choices in this appeal: approval, disapproval, or approval with conditions (simple majority vote.) The resolution is stated in terms of approving the appeal (for the Grays Creek residents and against the Wal Mart). Thus under the appeal now before the Commission:

YES vote = For Grays Creek (against the Wal Mart)

NO vote = Against Grays Creek (for the Wal Mart and the Land Use Control Board conditions).

Since the resolution is in the posture of approving the Grays Creek appeal (i.e., rejecting the Wal Mart), then in order to amend the Wal Mart P.D. site plan on appeal, and to approve the Wal Mart with new conditions, here is how it should proceed:

1. After the Grays Creek appeal is on the floor, there should be a **motion to table that appeal resolution** (majority vote needed to table it).
2. Move to suspend the rules for consideration of an **add-on resolution** (NOT a "substitute" resolution as I stated yesterday; a "substitute" would not resolve the appeal itself [see # 4 below]). (2/3 vote of commissioners present required to suspend the rules.)
3. The **add-on resolution** would state the new amendments and conditions for the site plan approval. (Majority vote to pass.)
4. After the add-on has passed, **the appeal resolution itself should be brought back up from the table for disposal (majority vote to bring it back from table)**. The Commission should then vote NO on the appeal (rejecting the Grays Creek appeal, and leaving the new add-on resolution to govern the site plan) (majority vote to approve/deny the appeal resolution).

I am drafting a blank add-on resolution in case it is needed; the details will of course have to be added in during/after the meeting.

If Grays Creek residents come to an understanding with Wal Mart before the vote, then the residents would simply withdraw their appeal. If they have made substantive new conditions in that agreement, then the Commission could vote to approve the appeal with all of the conditions set out, so that the conditions are on the record.

Please let me know if you have additional questions.

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